

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:) CHAPTER 13
) CASE NO: 19-50189
Robert Cummings)
) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
DEBTOR(S))
) TRUSTEE'S MOTION TO DISMISS DUE TO
) FAILURE OF DEBTOR(S) TO MAKE PLAN
) PAYMENTS

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and requests this Court to dismiss the Debtor(s) plan pursuant to 11 USC Section 1307(c)(1) as the Debtor(s) has failed to make required plan payments as required by 11 USC Section 1326. The failure to make plan payments is prejudicial to creditors who cannot be paid unless the Debtor(s) make plan payments. The Trustee states the following:

1. Debtor(s) has/have not been making his/her/their Chapter 13 Plan payments as ordered.
2. The case was filed on **04/17/2019**.
3. The monthly Plan payments are **\$339.00**.
4. As of this date, the payments into the Plan should total **\$7,602.00**.
5. As of this date, the payments into the Plan total **\$5,741.95**.
6. As of this date, the arrearages total is **\$843.05**.
7. The last payment was received on **10/10/2023**.
8. Plan payments were suspended September 27, 2023, through December 27, 2023.
9. Plan payments should have resumed in January, 2024.
10. The Trustee has deferred \$1017.00 (not forgiven) to the end of the plan due to pay suspensions.
11. The payment history is attached to this motion.

CHAPTER 13
{TrusteeName}
Trustee
Akron, OH 44308
(330)762-6335
Fax
(330)762-7072

NOTICE TO ATTORNEYS

****Pursuant to this Court's Administrative Order 00-4, attorneys are required to file with the U.S. Bankruptcy Court a notice of no opposition or a notice of inability to communicate with the Debtor(s).**

Attorneys may contact Holly Byler, at the Chapter 13 Trustee's Office at 330.762.6335 ext. 225 or hbyler@ch13akron.com to resolve this motion.

If attorneys do not file a response or contact the Chapter 13 Office by noon on Tuesday before the scheduled hearing, attorneys are required to appear at any Court hearing on this matter.

Debtor(s) may make a payment either online or by phone. To pay online visit www.chapter13info.com. To pay by phone call 1-888-439-5121.**

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee

Ohio Reg. No. 0063137

Joseph A. Ferrise, Staff Attorney

Ohio Reg., No 0084477

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CHAPTER 13

{TrusteeName}

Trustee

Akron, OH 44308

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CERTIFICATE OF SERVICE

I hereby certify that on 02/21/2024, the following were served a copy of this pleading:

Via Regular Mail

Robert Cummings
3731 Edinburgh Drive
Uniontown, OH 44685

Via ECF

REBECCA J SREMACK ESQ (rebecca@sremacklaw.com)
Office of the US Trustee (ustpre09.cl.ecf@usdoj.gov)
Keith L. Rucinski. Chapter 13 Trustee (krucinski@ch13akron.com)

Date of Service: 02/21/2024

By: H. Byler
Office of the Chapter 13 Trustee

CHAPTER 13
{TrusteeName}
Trustee
Akron, OH 44308
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19-50189 ROBERT CUMMINTS

Period	Date (Month/Y ear)	Payment Due	Total Payment Due	Payment Received	Total Payment Received	Forgive Amount	Amount Due
1	5/2019	\$78.00	\$78.00	\$72.00	\$72.00		\$6.00
2	6/2019	\$78.00	\$156.00	\$72.00	\$144.00		\$12.00
3	7/2019	\$78.00	\$234.00	\$72.00	\$216.00		\$18.00
4	8/2019	\$78.00	\$312.00	\$72.00	\$288.00		\$24.00
5	9/2019	\$78.00	\$390.00	\$72.00	\$360.00		\$30.00
6	10/2019	\$100.00	\$490.00	\$72.00	\$432.00		\$58.00
7	11/2019	\$100.00	\$590.00	\$200.00	\$632.00		(\$42.00)
8	12/2019	\$100.00	\$690.00	\$300.00	\$932.00		(\$242.00)
9	1/2020	\$100.00	\$790.00	\$146.15	\$1,078.15		(\$288.15)
10	2/2020	\$100.00	\$890.00	\$92.30	\$1,170.45		(\$280.45)
11	3/2020	\$100.00	\$990.00	\$92.30	\$1,262.75		(\$272.75)
12	4/2020	\$100.00	\$1,090.00	(\$225.85)	\$1,036.90		\$53.10
13	5/2020	\$100.00	\$1,190.00	\$138.45	\$1,175.35		\$14.65
14	6/2020	\$100.00	\$1,290.00	\$92.30	\$1,267.65		\$22.35
15	7/2020	\$100.00	\$1,390.00	\$92.30	\$1,359.95		\$30.05
16	8/2020	\$100.00	\$1,490.00	\$138.45	\$1,498.40		(\$8.40)
17	9/2020	\$100.00	\$1,590.00	\$92.30	\$1,590.70		(\$0.70)
18	10/2020	\$100.00	\$1,690.00	\$92.30	\$1,683.00		\$7.00
19	11/2020	\$100.00	\$1,790.00	\$92.30	\$1,775.30		\$14.70
20	12/2020	\$100.00	\$1,890.00	\$92.30	\$1,867.60		\$22.40
21	1/2021	\$100.00	\$1,990.00	\$92.30	\$1,959.90		\$30.10
22	2/2021	\$100.00	\$2,090.00	\$138.45	\$2,098.35		(\$8.35)
23	3/2021	\$100.00	\$2,190.00	\$46.15	\$2,144.50		\$45.50
24	4/2021	\$100.00	\$2,290.00	\$138.45	\$2,282.95		\$7.05
25	5/2021	\$100.00	\$2,390.00	\$92.30	\$2,375.25		\$14.75
26	6/2021	\$100.00	\$2,490.00	\$92.30	\$2,467.55		\$22.45
27	7/2021	\$100.00	\$2,590.00	\$92.30	\$2,559.85		\$30.15
28	8/2021	\$100.00	\$2,690.00	\$138.45	\$2,698.30		(\$8.30)
29	9/2021	\$100.00	\$2,790.00	\$46.15	\$2,744.45		\$45.55
30	10/2021	\$100.00	\$2,890.00	\$138.45	\$2,882.90		\$7.10

19-50189 ROBERT CUMMINTS

Period	Date (Month/Y ear)	Payment Due	Total Payment Due	Payment Received	Total Payment Received	Forgive Amount	Amount Due
31	11/2021	\$100.00	\$2,990.00	\$92.30	\$2,975.20		\$14.80
32	12/2021	\$100.00	\$3,090.00	\$92.30	\$3,067.50		\$22.50
33	1/2022	\$100.00	\$3,190.00	\$138.45	\$3,205.95		(\$15.95)
34	2/2022	\$100.00	\$3,290.00	\$46.15	\$3,252.10		\$37.90
35	3/2022	\$100.00	\$3,390.00	\$138.45	\$3,390.55		(\$0.55)
36	4/2022	\$100.00	\$3,490.00	\$92.30	\$3,482.85		\$7.15
37	5/2022	\$100.00	\$3,590.00	\$92.30	\$3,575.15		\$14.85
38	6/2022	\$100.00	\$3,690.00	\$92.30	\$3,667.45		\$22.55
39	7/2022	\$100.00	\$3,790.00	\$138.45	\$3,805.90		(\$15.90)
40	8/2022	\$100.00	\$3,890.00	\$92.30	\$3,898.20		(\$8.20)
41	9/2022	\$100.00	\$3,990.00	\$92.30	\$3,990.50		(\$0.50)
42	10/2022	\$100.00	\$4,090.00	\$92.30	\$4,082.80		\$7.20
43	11/2022	\$100.00	\$4,190.00	\$92.30	\$4,175.10		\$14.90
44	12/2022	\$100.00	\$4,290.00	\$92.30	\$4,267.40		\$22.60
45	1/2023	\$100.00	\$4,390.00	\$138.45	\$4,405.85		(\$15.85)
46	2/2023	\$100.00	\$4,490.00	\$46.15	\$4,452.00		\$38.00
47	3/2023	\$100.00	\$4,590.00	\$138.45	\$4,590.45		(\$0.45)
48	4/2023	\$100.00	\$4,690.00	\$92.30	\$4,682.75		\$7.25
49	5/2023	\$100.00	\$4,790.00	\$92.30	\$4,775.05		\$14.95
50	6/2023	\$100.00	\$4,890.00	\$138.45	\$4,913.50		(\$23.50)
51	7/2023	\$339.00	\$5,229.00	\$202.61	\$5,116.11		\$112.89
52	8/2023	\$339.00	\$5,568.00	\$156.46	\$5,272.57		\$295.43
53	9/2023	\$339.00	\$5,907.00	\$469.38	\$5,741.95	\$1,017.00 (PAY SUSPENSION)	(\$851.95)
54	10/2023	\$339.00	\$6,246.00	\$0.00			(\$512.95)
55	11/2023	\$339.00	\$6,585.00				(\$173.95)
56	12/2023	\$339.00	\$6,924.00				\$165.05
57	1/2024	\$339.00	\$7,263.00				\$504.05
58	2/2024	\$339.00	\$7,602.00				\$843.05